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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,527	02/04/2005	Carlo Rosa	P08547US00/MP	1843
881 7590 05/01/2007 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER GUIDOTTI, LAURA COLE	
			ART UNIT 1744	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,527	Applicant(s) ROSA ET AL.	
	Examiner Laura C. Guidotti	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10142005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "8" (Figure 4). Corrected drawing sheets in compliance with 37 CFR

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1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the drive means" in Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the power supply means" in Line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the drive means" in Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the power supply means" in Line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the mutually hinged ends" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the relative angles" in Lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the mutually hinged ends" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the conductors" in Lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 is somewhat confusing in Lines 4-6 which recites "...so as to *ensure the power supply irrespective of* the relative angles of the said body and the said handle."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Madison, US 5,423,102.

Madison discloses the claimed invention including a body (16) provided with handgrip means (14, 40), and with an interchangeable rotating cleaning tool (Figures 5A-5D), the body containing the drive means (20) of the tool and the power supply

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means (54), in that there is formed in the body a pipe (34, 36, 38) which at one end (at 90, Figure 2) opens onto the rotating cleaning tool (Figure 2), and at the other end (34) is connectable to means for generating a stream of fluid (Figure 2). Regarding claim 3, Madison discloses the claimed invention including a body (16) provided with handgrip means (14, 40) and with an interchangeable rotating cleaning tool (Figures 5A-5D), the body containing the drive means of the tool (20) and the power supply means (54), in which the handgrip means comprises a handle (40) hinged to the body (Column 5 Lines 18-30), means being provided for locking the relative positions of the body and the handle (friction and protrusions, Column 5 Lines 31-43). Regarding claim 4, the power supply means (54) are located in the handle (Figure 2). Regarding claim 6, at the ends of the body and the handle there are apertures for the passage of conductors (unlabeled, see Figure 2).

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Henriquez et al., US 5,649,334.

Henriquez et al. disclose the claimed invention including a body (12) provided with handgrip means (14), and with an interchangeable rotating cleaning tool (43, 45; Column 7 Lines 27-32), the body containing the drive means (not shown, DC motor assembly, Column 7 Lines 25-28) of the tool and the power supply means (rechargeable batteries 41), in that there is formed in the body a pipe (conduit 22, 24, 26, 28) which at one end (29, 30) opens onto the rotating cleaning tool (Figure 5; Column 6 Lines 4-5, 16-18), and at the other end (22) is connectable to means for generating a stream of fluid (Column 6 Lines 1-9).

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5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton, US 3,638,264.

Walton discloses the claimed invention including a body (11) provided with handgrip means (21), and with an interchangeable rotating cleaning tool (36; Column 3 Lines 40-45), the body containing the drive means (17, Figure 2) of the tool and the power supply means (Column 4 Lines 10-14), in that there is formed in the body a pipe (27, 28, 29, 15) which at one end (lowermost end of 15, Figure 2) opens onto the rotating cleaning tool (Figure 2), and at the other end (27, 29) is connectable to means for generating a stream of fluid (Column 2 Lines 67-75). Regarding claim 2, the drive means comprises an electric motor (17, Column 2 Lines 28-29) and transmission means (41, 42), the transmission means being enclosed in a shell connected to the body of the appliance (Figure 2) by a plate provided with sealing means (25; Figure 2).

6. Claims 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy et al., US 5,950,268.

Murphy et al. disclose the claimed invention including a body (10) provided with handgrip means (18) and with an interchangeable rotating cleaning tool (24; Column 5 Lines 20-26, 46-65), the body containing the drive means of the tool (51) and the power supply means (65), in which the handgrip means comprises a handle (18) hinged to the body (see Figure 8), means being provided for locking the relative positions of the body and the handle (via 108; Column 6 Lines 56-67). Regarding claim 4, the power supply means (65) are located in the handle (Figure 7B).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al., US 5,950,268 in view of Krechmer et al., US 4,625,259.

Murphy et al. disclose all elements mentioned above, including two surfaces that remain in contact at the mutually hinged ends of the body and handle (80, 82; Column 6 Lines 47-51, 56-60). Murphy et al. does not disclose sliding contacts, or any specific disclosure regarding how electricity from the power supply (65) reaches and powers the drive means (51).

Krechmer et al. teach a pivoting power supply, wherein two portions hinge or pivot (Figures 1 and 3), and at hinged ends there are sliding contacts (40, 42, 44, 46)

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having cylindrical symmetry about the pivot axis (Figure 7) so as to ensure power supply irrespective of the relative angles of the two portions (Abstract).

It would have been obvious for one of ordinary skill in the art to modify the hinged ends of the body and handle of Murphy et al. to include sliding contacts, as Krechmer et al. teach, so that as the body containing the motor hinges to various angular positions the power supply in the handle can continuously transmit power to the motor without interruption.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura C Guidotti
Patent Examiner
Art Unit 1744

lcg